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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,509	06/30/2003	Luis Azcona	60655.1300	8718

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EXAMINER

GODDARD, BRIAN D

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/611,509	Applicant(s) AZCONA ET AL.	
	Examiner Brian Goddard	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 July 2005 has been entered.
2. Claims 6-15 are pending in this application. Claim 6 is the sole independent claim. In the Amendment filed 09 July 2005 (entered with the RCE of 17 August 2005), claim 6 was amended. This action is non-final.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 6 and 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,729,741 to Liaguno et al.

Referring to claim 6, Liaguno discloses a method for facilitating a search of a database for binary content corresponding to a text string as claimed. See Figures 1-6 and the corresponding portions of Liaguno's specification for this disclosure. Liaguno teaches "a method [See Figs. 2-3] for facilitating a search [See Abstract and all of Figs.

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1-6] of a database [37 (See Fig. 1)] for binary content [audio and image files] corresponding to a text string [text search parameter(s)], said method comprising:

creating a record ['entry'] in a database [See Figs. 1-5];

storing said binary content [original file] within a first field [311] of said record [See Figs. 1-3], wherein said binary content [image/audio/video content] does not contain searchable text [image/audio/video content is not text content and does not contain searchable text];

converting said binary content directly into text content [See Abstract & Fig. 2 (note: as per "direct" conversion, there is no intermediate format between the binary file and the text file – See 211-213 & 221-223 – thus the conversion from binary to text is "direct" as claimed)];

storing said text content within a second field [301-307] of said record;

searching for said text string within said second field [See Column 3, lines 31-48 and Column 8, line 43 et seq.]; and

downloading, from said database, said binary content [See Summary & Column 8, line 50 et seq.] to a computer [e.g. View Station (14)] based on said searching step" as claimed.

Referring to claims 9 and 10, Liaguno teaches the method of claim 6, as above, wherein said converting step comprises:

determining a file format [e.g. text image, voice/speech (audio) or image] of said binary content; and

converting said binary content to said text content [See Fig. 2] based on said file format by applying an algorithm [See 203, 213 and 223] according to said file format as claimed.

Referring to claim 11, Liaguno teaches the method of claim 6, as above, wherein said searching step comprises:

receiving search criteria [See Column 3, lines 31-48 and Column 8, line 43 et seq.], wherein said search criteria comprises a text string [free text parameters / key words];

constructing a query [e.g. SQL or w/ Boolean logic (See Fig. 1 & Column 8, line 43 et seq.)) based on said search criteria;

executing said query...matching said search criteria... and retrieving said binary content...[See Fig. 1 & Column 8, line 43 et seq.] as claimed.

Referring to claim 12, Liaguno teaches the method of claim 11, as above, further comprising parsing said binary content according to said search criteria [See Figs. 5-6] as claimed.

Referring to claim 13, Liaguno teaches the method of claim 6, as above, wherein said searching step comprises searching for said text string via a browser application [on View Station 14 (See Column 7, line 13 et seq. and Column 8, line 43 et seq.)) as claimed.

Referring to claim 14, Liaguno teaches the method of claim 6, as above, wherein said downloading step comprises saving said binary content to a file [media image file in

memory of network server (See Abstract, Summary and Column 8, line 43 et seq.)] and providing a hyperlink to said file [via interface on 13 or 14] as claimed.

Referring to claim 15, Liaguno teaches the method of claim 6, as above, wherein said downloading step comprises downloading said binary content to a computer [13 or 14] which is remote from said database [See Fig. 1] as claimed.

Claim Rejections - 35 USC § 103

4. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liaguno in view of U.S. Patent No. 5,799,310 to Anderson et al.

Referring to claims 7 and 8, Liaguno does not explicitly store said binary content as a binary large object (BLOB) or said text content as a character large object (CLOB) as claimed. However, Anderson discloses a system and method similar to that of Liaguno, wherein binary content is stored as a BLOB in one field of a database record, while corresponding text content is stored as a CLOB in another field of the database record [See Glossary of Terms, Background, Summary and Figs. 4-7 & corresponding portions of Anderson's specification] as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add Anderson's BLOB and CLOB storage capabilities to the system and method of Liaguno to obtain the invention as claimed. One would have been motivated to do so because of the storage and search advantages of using BLOBs and CLOBs with an SQL interface, as disclosed by Anderson.

Response to Arguments

5. The Application Data Sheet submitted 19 July 2005 is acknowledged. The objection to the Declaration is hereby withdrawn.

6. Applicants' arguments filed 19 July 2005 have been fully considered but they are not persuasive.

Referring to applicants' remarks on pages 4-5 regarding the Section 102 rejections over Liaguno: Applicants argued that Liaguno does not teach or suggest "converting said binary content directly into text content" as recited by independent claim 6.

The examiner disagrees for the following reasons: During patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification¹ as required by MPEP § 2111. This means that the terms of a claim must be given their "plain meaning" unless a clear definition has been provided in the specification² as per MPEP § 2111.01. In the instant case, the "direct" conversion recited in the limitation "converting said binary content **directly** into text content" (emphasis added) is taken to mean that the binary content is converted to text content without an intermediate format being present. That is, direct conversion implies conversion between one format and another without an intermediary format. This interpretation, though broader than applicants', is still reasonable and consistent with the specification as the specification does not explicitly define "direct" conversion.

¹ See *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).

Applicants' arguments that OCR and VR (as in Liaguno) require consultation of libraries for comparison of bit values (OCR and VR are "processor intensive"), although true, are secondary considerations here. Although Liaguno's OCR and VR conversion may be more processor intensive, and therefore take longer, it is still considered "direct" conversion because there is no intermediary format between the binary content and the text content during the conversion. It is noted that applicants' arguments regarding direct conversion (i.e., "direct" conversion requires converting each 8-bit set (binary) into its representative (ascii) text character by a mathematical equation) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Thus, the examiner maintains that Liaguno anticipates the claims, even as amended.

Applicants' arguments regarding the Section 103 rejections of claims 7 and 8 over Liaguno in view of Anderson are substantially the same as those above (i.e. neither Liaguno, Anderson, nor a combination thereof disclose or suggest "converting said binary content directly into text content"). The examiner disagrees for the same reasons as above, and the rejections are therefore maintained.

7. Applicant's arguments with respect to the Section 103 rejections of claims 6-16 over Wason in view of Anderson (pages 6-7 of Remarks filed 19 July 2005) have been fully considered and are persuasive in light of the amendment to claim 6. This rejection

² See *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); and *In re Vogel*, 422 F.2d

of claims 6-16 has been withdrawn. However, the Section 102 rejections over Liaguno and the Section 103 rejections over Liaguno in view of Anderson remain, as above.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goddard whose telephone number is 571-272-4020. The examiner can normally be reached on M-F, 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bdg
10 November 2005



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